## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-24 are currently pending. Claims 1, 2, 15, 16, and 20 have been amended; and Claims 21-24 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.[1]

In the outstanding Office Action, Claims 1-15 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,719,861 to Okanoue (hereinafter "the '861 patent") in view of U.S. Patent No. 6,304,556 to Haas (hereinafter "the '556 patent"), U.S. Patent Application Publication No. 2004/0243682 to Markki et al. (hereinafter "the '682 application"), and U.S. Patent No. 7,058,706 to Iyer et al. (hereinafter "the '706 patent"); and Claims 16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '861 patent in view of the '682 application and the '706 patent..

## SUBSTANCE OF INTERVIEW

Applicants wish to thank Examiner Murray for the telephone discussion with Applicants' representative on August 28, 2009, at which time Applicants' request for reconsideration of the finality of the Office Action dated June 10, 2009, was discussed and the Examiner indicated that the finality of that Office Action would be withdrawn.

## RESPONSE TO ARGUMENTS

In the Response to Arguments section, the Office Action asserts that

> [d]uring the interview on 22JUL2009 Applicant indicated that what was at issue with this particular feature is that in Applicant's invention the node notice request packet is sent directly to the search node from the peripheral node. In

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[1] See, e.g., page 25, line 1 to page 30, line 18 of the originally filed specification.

response to Applicant's argument that the reference fails to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., transmitting the node notice request packet directly to the search node) are not recited in the rejected claim(s).

However, although the Office Action correctly states that the feature of the node notice request packet being sent <u>directly</u> to the search node from the peripheral node was discussed during the interview dated July 22, 2009 and is not recited in the claims, during the interview it was further discussed that **even without the recitation of the term "directly"** in the claims, the applied references still fail to disclose "transmitting the node notice packet from the peripheral node to the search node," as further discussed below.

Moreover, it is noted that new Claims 21-24 have been added to further define the node notice packet as being transmitted directly to the search node, or received directly from the peripheral node, as discussed during the interview dated July 22, 2009.

## REJECTION UNDER 35 U.S.C. § 103

Amended Claim 1 is directed to

[a] node search method for searching for a new service node for providing a service to a mobile node, in a mobile communication system including a plurality of service nodes and the mobile node, each of the service nodes and the mobile node having a node storage unit configured to store addresses of service nodes, the node search method comprising:

transmitting a node search packet to search for the new service node from a search node, which searches for the new service node, to a search packet reception node having an address stored in the node storage unit of the search node;

transmitting a node notice request packet from the search packet reception node to a peripheral node having an address stored in the node storage unit of the search packet reception node, in response to receiving the node search packet, the address of the peripheral node not being stored in the node storage unit of the search node;

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returning a node notice packet from the search packet reception node to the search node, in response to receiving the node search packet;

*transmitting the node notice packet from the peripheral node to the search node, based only on a determination that the node notice request packet has been received by the peripheral node;*

detecting the new service node based on the returned node notice packet from the peripheral node, by the search node;

updating the node storage unit of the search node based on the new service node detected by the search node; and

transmitting data for investigating node information from the search node to the detected new service node, the data for investigating node information including a request for a delay value and a number of hops in a packet transmission between the search node and the detected new service node.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the '861 patent is directed to an automatic route determination method. In particular, the Office Action cites the '861 source node for teaching the claimed "search node"; the '861 (destination) node that manages and normally communicates with the destination network element for teaching the claimed "peripheral node"; the '861 address request signal for teaching the claimed "node notice request"; and the '861 response signal back to the source node for teaching the claimed "node notice packet"[2]

Initially, it is noted that the Office Action acknowledges that the '861 patent fails to disclose "the address of the peripheral node not being stored in the node storage unit of the search node."[3] Thus, the '861 patent cannot not disclose transmitting the node notice packet from the peripheral node, which has an address not being stored in a node storage unit of the search node, to the search node, as discussed during the interview dated July 22, 2009.

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[2] See Office Action dated September 18, 2009, page 20.
[3] Id. at page 4.

Further, it is respectfully submitted that the '861 patent fails to disclose <u>transmitting</u> <u>the node notice packet from the peripheral node to the search node, based only on a</u> <u>determination that the node notice request packet has been received by the peripheral node</u>. Rather, the '861 patent simply discusses that the source node broadcasts the address request signal including the identifier or name of a destination network element and then waits for its response signal. The '861 patent discusses that each node, receiving the address request signal, further broadcasts the address request signal when neither managing or normally communicating with the destination network element, and **sends the response signal back to the source node when managing and normally communicating with the destination network element.**[4] The '861 patent does not disclose that the destination node that manages and normally communicates with the destination network element (i.e., the asserted peripheral node) sends the response signal back, *based only on a determination that the address request signal (i.e., the asserted node notice request packet) is received by the destination node.*

Further, it is respectfully submitted that the '556 patent, the '682 application, and the '706 patent fail to remedy the deficiencies of the '861 patent, as discussed above. The '556 patent is directed to routing and mobility management protocols for ad-hoc networks, the '682 application is directed to a system and method for user notification, and the '706 patent is directed to a method and apparatus for determining latency between multiple servers and a client. The '556 patent, the '682 application, and the '706 patent do not disclose <u>transmitting</u> <u>the node notice packet from the peripheral node to the search node, **based only on a**</u> **<u>determination that the node notice request packet has been received by the peripheral</u>** **<u>node</u>**. Moreover, the Office Action does not cite the '556 patent, the '682 application, or the '706 patent for such a teaching.

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[4] See '861 patent, column 1, line 64 to column 2, line 5.

Thus, no matter how the teachings of the '861 patent, the '556 patent, the '682 application, and the '706 patent are combined, the combination does not teach or suggest transmitting the node notice packet, as defined in Claim 1. Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '861 patent, the '556 patent, the '682 application, and the '706 patent.

Amended Claims 2, 15, and 16 recite limitations analogous to the limitations recited in Claim 1, although of differing class and/or scope. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that Claims 2 and 15 (and all associated dependent claims) patentably define over any proper combination of the '861 patent, the '566 patent, the '682 application, and the '706 patent, and the Claim 16 patentably defines over the '861 patent, the '682 application, and the '706 patent.

## CONCLUSION

The present amendment also sets forth new Claims 21-24 for examination on the merits. No new matter has been added. It is respectfully submitted that these more detailed features are not disclosed or suggested by the applied references.

Thus, it is respectfully submitted that independent Claims 1, 2, 15, and 16 (and all associated dependent claims) patentably define over the '861 patent, the '566 patent, the '682 application, and the '706 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.
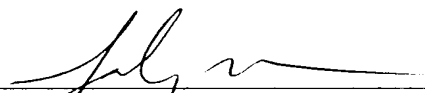
Respectfully submitted,

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